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		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/07/2003	Manish C. Kanjee	MLP 7237	5792	
03/31/2005		EXAMINER		
SENNIGER POWERS LEAVITT AND ROEDEL			WATSON, ROBERT C	
LITAN SQUARE		ART UNIT	PAPER NUMBER	
63102		3723		
	03/31/2005 WERS LEAVITT ANI LITAN SQUARE	03/31/2005 WERS LEAVITT AND ROEDEL LITAN SQUARE	03/31/2005 EXAMI WERS LEAVITT AND ROEDEL WATSON, F LITAN SQUARE ART UNIT	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			Application No.	Applicant(s)	(/)
Robert C. Watson 3723	Office Action Summary		10/680,657	KANJEE, MANISH C	0
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	Attachmen	t(s)			
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	3) 🔯 Infori	nation Disclosure Statement(s) (PTO-1449 or PT	O/SB/08) 5) Notice of In	formal Patent Application (PTO-152)	

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 is directed to a "portable locator". Dependent claims must further limit the claimed "portable locator". The recitation of "an assembly apparatus" in claim 14 is inconsistent with the preamble of claim 1. Claim 14 is indeterminate of scope.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Burcaw.

Burcaw shows a portable locator having a stop 32, a securing means 20, and a holding member 46.

Claims 4-13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-16 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs., 5:30am - 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw

ROBERT C. WATSON PRIMARY EXAMINER